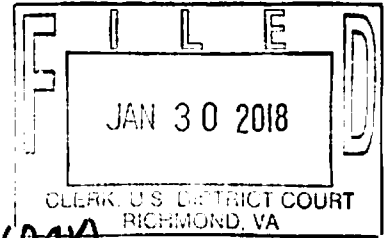


UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia



United States of America

v.

MOHAMED ABDELLAHI MOHAMED HORMA

Case No. 3:18 MJ019(RCY)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 16, 2016 in the county of Richmond in the
Eastern District of Virginia, the defendant(s) violated:

Code Section
18 USC 922(g)(5)

Offense Description
Possession of a Firearm by an Illegal Alien

This criminal complaint is based on these facts:
See Attached Affidavit

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

Angela Mastandrea-Miller, AUSA

Complainant's signature

Special Agent Bridgit DePietto

Printed name and title

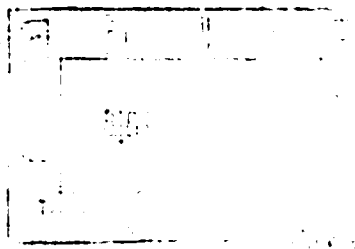
Sworn to before me and signed in my presence.

Date: 01/30/2018

City and state: Richmond, Virginia

/s/
Roderick C. Young
United States Magistrate Judge

Printed name and title



United States Magistrate Judge
Robert C. Young

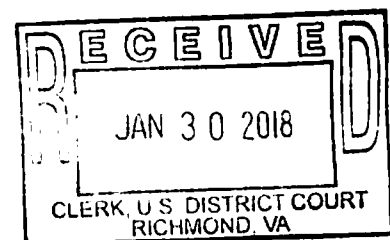
**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Bridgit DePietto, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent for the Federal Bureau of Investigation ("FBI"). As such, I am an "investigative or law enforcement officer" of the United States, within the meaning of 18 U.S.C. § 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for federal offenses." I have five years of experience investigating criminal enterprises that violate the United States Code. Currently, I am assigned to the FBI's Washington Field Office, which is responsible for investigating unlawful acts occurring within the Eastern District of Virginia ("EDVA") and the District of Columbia ("DC"). Prior to joining the FBI as a Special Agent, I was an attorney for twelve years. During that time I handled complex, class action civil litigation matters. I was admitted to practice law in Florida, New York, Washington, D.C., and Louisiana.

2. Since October 2013, I have been assigned to a Transnational Organized Crime squad where my primary duties include, but are not limited to, the enforcement of federal laws related to crimes committed by transnational organizations and other criminal street gang organizations. While assigned to the Transnational Organized Crime squad, I have participated in federal and state investigations of criminal organizations, gang members, gang associates, and others involved in bank fraud, wire fraud, mail fraud, interstate transportation of stolen property, illegal possession and illegal use of firearms, illegal distribution of controlled substances, art fraud, cyber crimes, money



laundering, and other criminal offenses. I have participated in controlled buys of illegal narcotics, conducted surveillance, interviewed suspects, and executed arrest, search, and seizure warrants involving a variety of federal offenses. In addition, I have participated in investigations involving wiretaps and have reviewed intercepted and consensually recorded conversations pertaining to federal offenses. Furthermore, I have become knowledgeable about the use of confidential informants, the enforcement of state and federal laws pertaining to criminal organizations, drug distribution, and the illegal use and distribution of firearms.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging MOHAMED ABDELLAHI MOHAMED HORMA with possession of a firearm by an alien illegally or unlawfully present in the United States, in violation of Title 18, United States Code, Section 922(g)(5)(A).

4. This affidavit is based on my personal knowledge, information conveyed to me by other law enforcement officers, and my review of evidence, documents, and records obtained during the course of the investigation. This affidavit only contains the information necessary to establish probable cause. As such, this affidavit does not include each and every fact known by me or known by the government.

PROBABLE CAUSE

5. Beginning in or about July 2015, HORMA was identified as a subject in multi-jurisdictional criminal investigation being conducted by the FBI, Homeland Security Investigations (“HSI”), Diplomatic Security Service (“DSS”), Fairfax County Police Department, and Henrico County Police Department. On November 16, 2016, HORMA was arrested by Albemarle Police Department. During the inventory of HORMA’s vehicle, law enforcement officers located a receipt for a Ruger 9mm pistol. On November 16, 2016, Henrico County Police Department executed a lawful search warrant at HORMA’s residence located at 10013 Castile Court, Apartment A, Henrico County, Virginia. During the execution of the warrant, law enforcement officers recovered a Ruger 9mm handgun located in a nightstand in HORMA’s bedroom. The firearm was consistent with the receipt found in his vehicle. The firearm, a Ruger SR9C bearing serial number 336-40978 (hereafter, the Ruger) was lawfully seized by Henrico County Police Department.

6. On or about November 17, 2016, FBI SA DePietto, HSI SA Thomas A. Duffy, and Henrico County Police Detective William Bodenhamer interviewed T.A. in Henrico County, Virginia. T.A. stated that she is romantically involved with HORMA and co-habits with HORMA in the master bedroom at the apartment. T.A. was present at the residence during the execution of the search warrant on November 16, 2016. During the interview T.A. made statements to the effect that only she and HORMA have access to the master bedroom and that the nightstand is used by HORMA. Further, T.A. stated that the firearm belonged to HORMA. T.A. stated that HORMA acquired the firearm on or about November 12, 2016.

7. T.A. provided information that on or about November 12, 2016, she called HORMA who stated to her that he was at The War Store, a licensed federal firearms dealership located in Henrico, Virginia. T.A. made statements to the effect that HORMA intentionally left his cellular phone on while he attempted to purchase a firearm in an effort to convince T.A. that he was not spending time with other women. T.A. stated that she overheard a conversation between HORMA and a person whom she believed was a War Store employee, in which the War Store employee stated that he could not sell HORMA a firearm because HORMA does not possess a "green card," which is a slang term for Lawful Permanent Resident card which is used to verify lawful immigration status.

8. T.A. stated that several hours after the phone call HORMA returned to their shared residence and showed her the firearm. T.A. made statements that HORMA claimed the firearm was his. T.A. further stated that HORMA provided her with instructions on how to use the firearm and took actions to manipulate the firearm, including inserting a magazine. During the interview, T.A. made statements that HORMA told her that an individual identified as M.S., who was the third resident living in the house and an associate of HORMA, had purchased the firearm for HORMA. T.A. also stated that she had never observed M.S. in possession of the firearm.

9. On November 28, 2016, FBI SA DePietto reviewed the Virginia State Police Firearms Transaction record for Transaction Serial Number 193076 and Bureau of Alcohol, Tobacco and Firearms and Explosives (BATFE) form, ATF-4473 serial number D193076. These forms are used by licensed firearms dealers in Virginia to track the sale of firearms in order to remain compliant with all federal, state and local laws. The records shows that a Ruger 9mm SR9C serial number 336-

40978 was purchased on November 12, 2016, at the War Store by M.S. whose biographical identifiers match with M.S., the roommate of HORMA.

10. On November 18, 2016, Henrico County Police Detective Daniel Karshenas interviewed the War Store employee who completed the sale tracked on form ATF-4473 S/N D193076. The War Store employee positively identified photographs of HORMA and M.S. as being present during M.S.'s purchase of the Ruger handgun. The employee told Detective Karshenas that HORMA initially approached the counter about purchasing the firearm, but M.S. then stepped in and completed the sale. On November 21, 2016, Detective Karshenas reviewed video footage (no audio) of the sale of the Ruger and noted that the footage was consistent with statements made by White.


11. On November 29, 2016, HSI SA Duffy queried Department of Homeland Security (DHS) databases to determine the immigration status of HORMA. Record searches for HORMA using his biographical identifiers and FBI number located records that reveal HORMA has been issued Alien File (A-File) number xxx-xxx-221. DHS records indicate HORMA was born in Mauritania and does not possess authorization to reside in the United States from the Secretary of DHS or the Attorney General. Further, DHS records show that in September 2015, HORMA was charged under the Immigration and Naturalization Act (INA) with violation of 237(a)(1)(B), non-immigrant visa overstay. HSI SA Duffy's review of DHS records revealed that HORMA is a citizen of Mauritania and is present illegally in the United States.

12. I am aware that the Ruger firearm described herein is a firearm within the meaning of the law, and further that it was manufactured outside of the Commonwealth of Virginia and as such traveled in interstate or foreign commerce.


CONCLUSION

13. Based upon the foregoing, I respectfully submit there is probable cause to believe that, on or about November 16, 2016, in the Eastern District of Virginia, the defendant, MOHAMED ABDELLAHI MOHAMED HORMA, knowingly possessed a firearm, being an alien illegally and unlawfully present in the United States, in violation of Title 18, United States Code, Section 922(g)(5)(A).

Respectfully submitted,


Bridgit DePietto
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 30th day of January 2018.
Richmond, Virginia


/s/ Roderick C. Young
United States Magistrate Judge

United States Marine Corps
Robert C. Young
1st